



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of)
Alan J. Ruud et al.)
Serial No.: 09/696,676) Group Art Unit: 2875
Filed: October 24, 2000) Examiner: Anabel Ton
Title: LOW-PROFILE OVERHEAD)
INDUSTRIAL LIGHT FIXTURE)

Hon. Commissioner of Patent and Trademarks
Box Non-Fee Amendment
Washington, D.C. 20231

TECHNOLOGY CENTER 2800
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U.S. PATENT AND TRADEMARK OFFICE

DECLARATION OF ALAN J. RUUD, ERIC HAUGAARD, AND KURT WILCOX
UNDER 37 C.F.R. § 1.131

I hereby declare as follows:

1. I am one of the named inventors of U.S. Patent Application Serial Number 09/696,676 ("the application") directed to a low-profile industrial light fixture. In the improvement of this invention, the housing forms a substantially enclosed space wherein the power-related components and the lamp-mounting socket for the light fixture are secured to the housing by being positioned within this enclosed space. The application was filed on October 24, 2000.
2. I became aware of U.S. Patent Number 6,394,628 ("Wang") after it was cited during the Patent and Trademark Office examination of the application as a reference under 35 U.S.C. §102(e) that anticipates claims 1-3, 6-9, and 13. The effective date for Wang as a reference under 35 U.S.C. §102(e) is the date that its underlying patent application was filed, February 23, 2000.
3. Prior to February 23, 2000, I collaborated with the other two undersigned inventors and we conceived and reduced to practice the invention claimed by the application. Such conception and reduction to practice was in connection with our research and development

work for Ruud Lighting, Inc., assignee of the application. In support, I submit the specific facts set forth below and the attached supporting documents which are identified herein and incorporated as part of this declaration.

4. Prior to February 23, 2000, we, the undersigned inventors, had conceived and then reduced to practice a low-profile light fixture that satisfies all of the elements of claims 1-3, 6-9, and 13 in the application. Reduction to practice included the construction of a working prototype. Such conception and reduction to practice was earlier than the redacted date on Exhibit A, a true and correct copy of a document entitled "Materials/Supplies Requisition" which is attached and made a part of this declaration. Exhibit A is a request from Eric Haugaard for authorization to purchase the tooling needed to fabricate, among other things, the parts for the housing claimed in the application. In particular, Exhibit A is directed to the authorization for the purchase of tooling from Dickmann Mfg. Co. for the fabrication of a "Simplicity Base" and a "Simplicity Cover".

5. Subsequent to the redacted date of Exhibit A, approval was received for the purchase of the requested tooling to begin manufacture of the parts comprising the housing claimed in the application. This approval is reflected by Exhibit B, a true and correct copy of a document entitled "Appropriation Request for Capital Spending" which is attached and made a part of this declaration. Exhibit B shows by its redacted dates that said approval was obtained prior to February 23, 2000. Exhibit B further documents that the tooling is designated as being needed for a project entitled "Simplicity Industrial Series". The rationale for this project is set forth in Exhibit B as being for a "new fixture offering." Two components of the Simplicity Industrial Series were the Simplicity Base and the Simplicity Cover which were reflected by the stamping designations, ISO98X and ISO99X, found on Exhibit B.

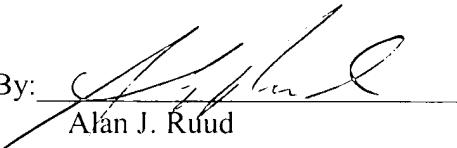
6. True and correct copies of Purchase Order No. 00267 and Purchase Order No. 00268 are marked as Exhibit C and attached and made a part of this declaration. Purchase Order No. 00267 is for the purchase from Dickmann Mfg. Co. of the tooling designed to fabricate the Simplicity Base which was given the part number, ISO98X01. Purchase Order No. 00268 is for the purchase as well from Dickmann Mfg. Co. of the tooling designed to

fabricate the Simplicity Cover which was given the part number, ISO99X01. These purchase orders bear an order date that has been redacted which is earlier than February 23, 2000.

7. True and correct copies of Part Drawing No. ISO98X for the Simplicity Base and Part Drawing No. ISO99X01 for the Simplicity Cover are marked as Exhibit D and attached and made a part of this declaration. These drawings were prepared by Kurt Wilcox and show redacted creation dates prior to February 23, 2000. Each drawing shows a part number corresponding to the part number shown on the documents in Exhibit C for the tooling needed to manufacture that part.

8. Drawings Nos. ISO98X and ISO99X01 together disclose each element and limitation for the housing set forth in claims 1-3, 6-9, and 13 of the application. In particular, Drawing No. ISO98X discloses all of the structural elements claimed for the top member in claims 6-9 and 13. Similarly, Drawing No. ISO99X01 discloses all of the structural elements claimed for the bottom member in claims 6-9 and 13. In particular, the only difference between the Simplicity Base shown in Drawing No. ISO98X and the top member 40 shown in the drawings included with the application is the elimination of certain venting from the central top-wall and sidewalls, a feature that is not a claimed limitation in the application. Likewise, the only difference between the Simplicity Cover shown in Drawing No. ISO99X01 and the bottom member 80 shown in the drawings included with the application is the addition of certain slots to the bottom wall, a feature that is also not a claimed limitation in the application.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; I further declare that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By: 
Alan J. Ruud

Dated: 12/17/02

By: E Haugaard
Eric Haugaard

Dated: 12 - 17 - 02

By: Kurt Wilcox
Kurt Wilcox

Dated: 17 December 2002

Appropriation Request For Capital Spending

| | | | | |
|---|--|--|------------------------------------|-------------|
| | | Spending Unit: Rude Lighting | Request Number: | |
| | | Prepared By: Eric Haugard, Kurt Wilcox | Date Requested: | |
| | | | Completion Date: | |
| 1. Project Manager: Kurt Wilcox Project Number: 00519901 | | | | |
| 2. Project Description: Simplicity Industrial Series Tooling for the following stampings: IS098X, IS099X, IS100X, IS101X, IS102X, IS103X | | | | |
| 3. Project Rationale: Productivity _____ Labor Savings _____ Quality Improvement _____ Capacity _____ Other <u>New Feature Offering</u> | | | | |
| 4. Project Costs: External Costs \$ <u>175,700</u> Internal Costs: Labor Costs \$ _____ Overhead Costs \$ _____ Combined Internal and External Costs \$ <u>175,700</u> | | | | |
| PLEASE ATTACH PERTINENT DETAIL TO THIS FORM (and complete reverse side of form) | | | | |
| Approval: | | | | |
| <u>Douglas Haugard</u> President of Operating Unit | | Date: _____ | <u>Robert Boeie</u> C.F.O. | Date: _____ |
| <u>This will be 4th QTR Capx.</u> | | | <u>John Clark</u> Vice Chairman | Date: _____ |
| | | | <u>John Clark</u> C.E.O. | Date: _____ |

MATERIALS/SUPPLIES REQUISITION
RUUD LIGHTING, INC.
DELTA FINISHING

1. # _____
(Leave Blank)

Date: _____

splier. Dickmann Mfg. Co.

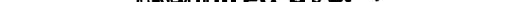
Entered For/Attn To: Eric H. / Kurt W. Department: Product Engineering
Payment Terms: _____ F.O.B: _____
Shipped via: _____ Date Needed: _____

Comments: *Bracket will also be used on the Constellation

Comments: ~~Breaker will use a~~
~~sawdust.~~ All Tools are ~~Closed~~ A progressive disc capable of
running 4-5 million parts.

equestor's Signature:

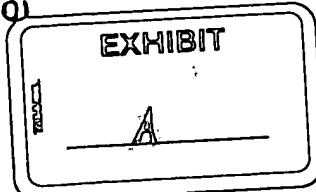
Date: _____

Manager's Signature: 
(Required over \$ 200.00)

Date: _____

Executive Signature: _____
(Required over \$ 5,000.00)

Date: _____



RUUD LIGHTING, INC.
9201 WASHINGTON AVENUE
RACINE, WI 53406

ORIGINAL

| PAGE NO. | P.O. NO. | ORDER DATE | VEND. NO. |
|----------|----------|------------|-----------|
| 1 | 00268 | | 01710 |

PURCHASE ORDER

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DICKMANN MANUFACTURING CO.
ATTN: DAVE DICKMANN
606 BEECH ST.
P.O. BOX 91
GRAFTON, WI 53024

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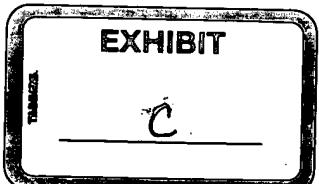
RUUD LIGHTING, INC.
ATTN: PHIL MUELLER
9201 WASHINGTON AVENUE
RACINE, WI 53406

| ORDER DATE | CANCELLATION DATE | SHIP VIA | F.O.B. | TERMS | | |
|----------------------|---|-----------------------|---------------------|--------|------------|---|
| | | UPS | | NET 30 | | |
| RESALE NO. | | RESPONSIBILITY | BRANCH | | | |
| 0 | | ERIC HAUGAARD | | | | |
| ITEM NO. MFG. NO. | DESCRIPTION | REQ. DATE LOCATION | QUANTITY ORDERED | | UNIT PRICE | EXTENSION |
| | IS099X01R0rev. A.0 TOOLING COSTS PROGRESSIVE DIE CLASS A SIX (6) SAMPLES WITH INSPECTION REPORT REQUIRED FOR APPROVAL Re. your quote #13586 dated | | 1 | | 38350.00 | 38350.00 |
| | | | | | | SUBTOTAL 38350.00 PURCHASE ORDER NO. 00268 |
| | | | | | | TOTAL ORDER VALUE |


AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

| | |
|--------------------|----------------------|
| SUBTOTAL | |
| 38350.00 | 38350.00 |
| PURCHASE ORDER NO. | |
| 00268 | |
| | TOTAL ORDER VALUE |



RUUD LIGHTING, INC.
9201 WASHINGTON AVENUE
RACINE, WI 53406

ORIGINAL

| PAGE NO. | P.O. NO. | ORDER DATE / | VEND. NO. |
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PURCHASE ORDER

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DICKMANN MANUFACTURING CO.
ATTN: DAVE DICKMANN
606 BEECH ST.
P.O. BOX 91
GRAFTON, WI 53024

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RUUD LIGHTING, INC.
ATTN: PHIL MUELLER
9201 WASHINGTON AVENUE
RACINE, WI 53406

| ORDER DATE | CANCELLATION DATE | SHIP VIA | F.O.B. | TERMS | |
|----------------------|--|-----------------------|---------------------|------------|-------------------------------------|
| | | UPS | | NET 30 | |
| RESALE NO. | RESPONSIBILITY | BRANCH | | | |
| 0 | ERIC HAUGAARD | | | | |
| ITEM NO. MFG. NO. | DESCRIPTION | REQ. DATE LOCATION | QUANTITY ORDERED | UNIT PRICE | EXTENSION |
| | ISO98X01R0rev. A.0 TOOLING COST PROGRESSIVE DIE CLASS A SIX (6) SAMPLES WITH INSPECTION REPORT REQUIRED FOR APPROVAL Re. your quote #13585 dated | | 1 | 70700.00 | 70700.00 |
| | | | | | SUBTOTAL 70700.00 |
| | | | | | PURCHASE ORDER NO. 00267 |
| | | | | | TOTAL ORDER VALUE |



AUTHORIZED SIGNATURE